

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1A. This sheet, which includes Fig. 1A, 1B, 2 and 3, replaces the original sheet including Fig. 1A, 1B, 2 and 3.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending in the present application. Claims 1-14 have been amended. Claims 15-22 have been added. For the reasons discussed below, no new matter has been added.

The drawings have been objected to under 37 C.F.R. §1.84(p)(5) because they do not include the reference numerals 20 and 11b as described on page 10 of the specification. Accordingly, the drawings have been corrected as suggested on page 2 of the Official Action.

Claims 1-8 were objected to because of formalities. These claims have been amended to correct informalities as suggested in the Official Action (pages 2-4).

Claims 9-12 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Official Action asserts that Claims 9 and 12 contain the limitation “a sound source measuring the controlled sound information”, which is considered to be unclear. In response, Applicants note that Claims 9 and 12 have been amended to recite that the sound source measuring is performed using a sound source measuring device. In the specification, the sound source measuring device is reference microphone 13.

With respect to the assertion that Claims 9 and 12 contain the limitation “a direct controlled sound measuring the controlled sound information”, which is considered to be unclear, claims 9 and 12 have been amended to recite that the direct controlled sound measuring is performed using a direct object sound measuring device. In the specification this is Applicants’ first error microphone 14.

With regard to the assertion that Claims 9 and 12 contain the limitation “a controlled sound controlling the output of the control sound”, which is considered to be unclear, claims

9 and 12 have been amended to recite that the control sound generating is being performed using a control sound source, and that the controlled sound controlling is performed using an object sound control device, which is control unit 20 in Applicants' specification.

In addition, Applicant notes that with respect to the limitation in claim 12 that "a first/second sound transmission characteristic measuring a first/second sound transmission characteristic", Applicants note this is supported in the last paragraph of page 12 and the second paragraph of page 17 of the specification as well as by Figures 2 and 3, and that claim 12 has been amended to clarify that the transmission characteristic is performed using a sound measuring device (14 or 15). Accordingly, Claims 9-12 have been amended to overcome the rejection under 35 U.S.C. §112, first paragraph, and in view of the amendment it is requested that the rejection of the claims under 35 U.S.C. §112, first paragraph be withdrawn.

Turning to the rejection of Claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Yamashita et al., Applicants note that the Official Action relies upon Figure 2 for the upper story being the object sound source area and the lower story of Figure 2 being the sound receiving area. In response, Applicants note that in the present invention reference sensor 13 and error sensors 14 and 15 are located in the same space P,Q although there is a wall therebetween. By contrast, the reference to Yamashita et al. discloses a configuration targeted to an impulsive sound, wherein a reference sensor and an error sensor are placed in completely separate spaces with the floor located therebetween. In addition, in the present invention, a control sound source 12 is located in the vicinity of the wall body K. In Yamashita et al., the sound control source is located on the receiving side. In the amendment, each of the independent claims was amended to recite the fact that the object sound source area and the sound receiving area are within the same space and separated by the body wall. This distinguishes from the disclosure of Yamashita et al. because of Yamashita et al.'s

disclosure of having the two separate spaces that are separated by a floor located between them. Thus, in Yamashita et al. these sensors are placed in completely separated spaces whereas in Applicants' invention the areas are within the same space. Accordingly, Yamashita et al fails to anticipate claims 1-4 as amended. Applicants add that since the controlling method as set forth in Applicants' claims varies in accordance with the position at which the control sound source is located, the present invention distinguishes over the invention of Yamashita et al.

Turning to the rejection of Claims 5-8 under 35 U.S.C. §103(a) as being unpatentable over Yamashita et al. in view of Shephard et al., Applicant notes that although this rejection relies on Shephard et al. for a teaching of the device being arranged at the part of a wall having an opening, Applicants respectfully assert that in view of the amendments to Claims 5-8, that the reference to Shephard et al. does not make up for the deficiencies of Yamashita et al

In addition, Applicants have added additional Claims 15-18 to clearly recite the fact that the control source is located above the top of the wall body, and Claims 19-22 which recite that the control sound source is located in the vicinity of the inner edge of the opening (see Figure 7) of the wall body to further distinguish over the cited references.

From all of the above, Applicants request that the rejection of Claims 1-14 be withdrawn and that Claims 1-22 be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)